

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

**STATE OF TEXAS, *et al.***

Plaintiffs,

v.

**UNITED STATES OF AMERICA, *et al.***

Defendants

Case No. 1:14-cv-254

**NOTICE OF SUPPLEMENTAL EXHIBITS TO  
AMICUS BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY  
INJUNCTION BY JOE ARPAIO AS SHERIFF OF MARICOPA COUNTY**

Movant Joe Arpaio, elected Sheriff of Maricopa County, Arizona, ("Sheriff Arpaio") hereby respectfully requests that the attached exhibits of recently-issued statements and actions from the Defendants be considered in support of *Amicus Curiae* Sheriff Arpaio's brief in support of the Plaintiffs' Motion for Preliminary Injunction and causes of action for judgment.

The attached exhibits are relevant and significant to the immediacy of the changes ordered by the Defendants and the timetable that affects the Court's proceedings.

On January 30, 2015, the U.S. Department of Homeland Security ("DHS") announced that it will begin accepting deferred action applications under the new November 20, 2014, programs on February 18, 2015. *See*, Exhibit 1, attached. The announcement was apparently issued as a news release as well as posted on the DHS website.

Similarly, in another, recently-released announcement, DHS confirms that the new November 20, 2014, programs are already in effect and already binding upon DHS personnel.

*See*, Exhibit 2, attached. According to news reports, DHS' Customs and Border Protection ("CPB") issued these directives as a Memorandum as well as by posting on the DHS website.

CBP has established a hotline to receive complaints about CBP personnel who do not already comply with the requirements of the November 20, 2014, programs. The fact that complaints may even now be lodged against DHS personnel who do not follow the new November 20, 2014, programs is relevant to the Court analyzing the nature of the new deferred action programs as being binding upon Departmental personnel in favor of beneficiaries, rather than being mere guidelines or allocation of resources. This application occurs before an illegal alien applies for deferred action status and in advance of case-by-case review or discretion.

Furthermore, the DHS/CPB announcement reveals that illegal aliens are granted immunity and amnesty even when they are actually in custody or under final order of deportation. Illegal aliens will not be deported unless they also fall within the November 20, 2014, "DHS enforcement priorities." Thus, the announcement informs the Court that the programs are driven by Defendants' policy preferences, not by a lack of enforcement resources. That is, even if no further resources would be needed for deportation, illegal aliens will not be deported if they are outside of the "DHS enforcement priorities." The announcement says:

"If your administrative proceedings are pending before an immigration judge or the Board of Immigration Appeals, and you believe that you do not fall within the DHS enforcement priorities, you should contact U.S. Immigration and Customs Enforcement (ICE)."

and

"If you (or a family member) were apprehended and processed by a CBP officer or Border Patrol agent and then placed into removal proceedings and you believe that you do not fall within the DHS enforcement priorities, please tell us about your experience by contacting the CBP INFO Center at:"

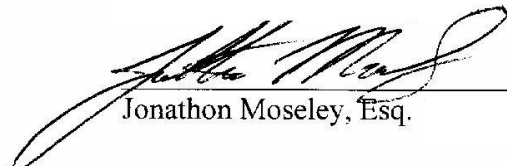
and

“If you have been ordered removed and you believe that you do not fall within the DHS enforcement priorities, you should contact the ICE Enforcement and Removal Office (ERO) ...”

Dated: February 11, 2015

Respectfully submitted,

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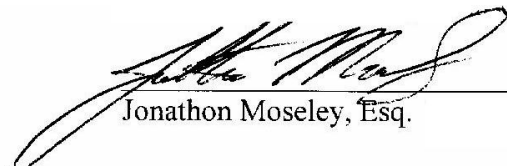


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**CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing motion and proposed brief will be delivered electronically on February 11, 2015, to counsel for Plaintiffs and Defendants through the District's Electronic Case Filing system.



Jonathon Moseley, Esq.